

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENISE CHILDERS,

Plaintiff,

v.

Case No. 2:16-cv-14428
District Judge Nancy G. Edmunds
Magistrate Judge Anthony P. Patti

GENERAL MOTORS LLC,

Defendant.

ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO
PROVIDE COMPLETE ANSWERS TO INTERROGATORIES
AND PRODUCE DOCUMENTS (DE 26)

This matter is before the Court for consideration of Plaintiff's motion to compel (DE 26), Defendant's response (DE 32), Plaintiff's reply (DE 34), and the parties' Joint List of Unresolved Issues (DE 36). Judge Edmunds referred this motion for hearing and determination on August 30, 2017. (DE 28.)

Plaintiff's motion came before the Court for a hearing on October 4, 2017. On the date set for hearing, attorneys Jeffrey M. Thomson and Margaret Carroll Alli appeared. After engaging in a meet and confer conference in the courtroom at the Court's direction, counsel for the parties informed the Court that they had resolved several of the matters that had been the subject of Plaintiff's motion.

Counsel for the parties placed a stipulation as to these resolved matters on the record.

As to the remaining issues, consistent with my findings and reasoning stated on the record, which are hereby incorporated by reference, Plaintiff's motion to compel (DE 26), as narrowed by the October 3, 2017 joint list of unresolved issues (DE 36) and the aforementioned stipulation, is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. **Interrogatory No. 3 regarding witnesses:** Defendant GM shall, by October 22, 2017, (a) supplement its answer with a description of each individual's knowledge of relevant facts; and (b) provide to Plaintiff's counsel the contact information for those current, non-managerial GM employees listed in response to Interrogatory No. 3; however this contact information shall be designated as "**For Attorneys' Eyes Only.**" GM employees listed in response to Interrogatory No. 3 who are employed in a managerial-level or above position shall be contacted only through counsel for GM, which shall accept subpoenas on their behalf and make them available to testify upon request in the absence of a valid objection.
2. **Interrogatory No. 4 and RFP Nos. 9 and 32 regarding compensation information:** Defendant GM shall supplement its discovery responses by October 22, 2017, with responsive compensation information for employees at pay grade levels 6, 7 and 8 who were employed in GM's Audit Services division ("GMAS") at the Renaissance Center in Detroit, Michigan between August 1, 2012 through February 1, 2017; all responsive information and documents shall be designated as "**For Attorneys' Eyes Only,**" but may also be shared with retained expert witnesses if the expert has signed an agreement to be bound by the protective order and to refrain from sharing the information with Plaintiff.

3. **Interrogatory No. 5 and RFP No. 24 regarding other instances of workplace violence:** Defendant GM will conduct a search for formal complaints to GM's Corporate Security department of "workplace violence" incidents involving non-union employees at GM's Renaissance Center location from January 1, 2012 through February 1, 2017. The parties shall agree on applicable search terms for the search by **October 12, 2017**, and GM shall produce responsive documents found within **30 days** from the date the parties agree on such search terms. In the unlikely event the parties fail to agree upon search terms, they are to each submit their proposed search terms to the Undersigned for determination.

Finally, the Court declines to award costs to either side. Pursuant to Federal Rule of Civil Procedure 37, if a motion to compel is granted in part and denied in part, the Court may apportion reasonable expenses for the motion. Fed. R. Civ. P. 37(a)(5)(A). Here, both sides' positions were substantially justified and required rulings from the Court. As such, an award of costs would not be appropriate or just in this matter.

IT IS SO ORDERED.

Dated: October 5, 2017

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on October 5, 2017, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti